



BRIGHAM CITY CORPORATION

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April 10, 1996

RECEIVED

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WATER RIGHTS
SALT LAKE

Robert L. Morgan, P.E., State Engineer
1636 West North Temple, Suite 220
Salt Lake City, UT 84116-3156

Re: Water Commissioner, Box Elder Creek

Dear Mr. Morgan:

It is my understanding that your office held a meeting on March 20, 1996 in the Box Elder County Courthouse building in Brigham City to receive input pertaining to the State Engineer's Office organizing a distribution system on the Box Elder Creek and appointing a Water Commissioner to organize and operate the distribution system.

Other items under discussion were the authority and duties of the commissioner, the duties of the system committee, the annual water user assessments, and the need for measuring devices. Unfortunately because of a mailing error, Brigham City did not receive notification of this meeting; therefore representatives of the City were excluded from the discussion.

I understand that some of the water users are opposed to having a Water Commissioner because of the cost of his salary, and they explained at the meeting that the water users can solve the distribution issues themselves. The City disagrees. The present situation has proved to be unworkable, and has resulted in costly and unproductive litigation.

You may be aware that under Brigham City's direction our attorney, Marc Wangsgard, submitted a letter to John H. Maybe, Jr. on November 2, 1995 formally requesting the State Engineer's office to consider the need for a Water Commissioner to distribute and administer the waters of Box Elder Creek. In his letter, Mr. Wangsgard alluded to four listed relevant factors that the City would like the State Engineer's office to consider. (See attached letter). Because Brigham City cannot foresee any changes, present or future, in the operation of the Water User's Association, I would like to reaffirm the request that the State Engineer seriously consider the appointment of a Water Commissioner for Box Elder Creek.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clark N. Davis".

Clark N. Davis
Mayor

cw

pc: Marc Wangsgard, Attorney at Law
Robert Fotheringham, P.E.
Lee Sim